



U.S. Department of Justice

United States Attorney
Southern District of New York

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New York, New York 10007

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BY ECF

August 9, 2018

MEMO ENDORSED

8/9/18

Granted

Colleen M. McMahon

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. James Spain,
18 Cr. 569 (CM)

Dear Chief Judge McMahon:

An Indictment was filed in the above-captioned case on August 8, 2018 charging the defendant with (i) being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g), (ii) possession with intent to distribute crack cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and (iii) possession of a firearm in furtherance of a drug trafficking offense, in violation of Title 18, United States Code, Section 924(c). The arraignment has been scheduled for Monday, August 13, 2018 before the magistrate judge on duty, and the initial pre-trial conference has been scheduled for September 5, 2018 at 2:15 p.m. before Your Honor.

The Government respectfully requests that time be excluded under the Speedy Trial Act from the date of the Court's action in response to this letter through September 5, 2018, pursuant to Title 18, United States Code, Section 3161(h)(7)(A). The Government anticipates that, during this time period, the Government will produce discovery to the defendant for his review, the defense will begin to consider any potential motions, and the parties will begin to discuss any pretrial disposition of this case. The Government submits that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

Counsel for the defendant consents to this exclusion of time.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/
Lauren Schorr
Assistant United States Attorney
(212) 637-2299

cc: Bernard Alan Seidler, Esq. (by ECF)